

REMARKS

Claims 1-13 and 15-19 are pending in the application. No claims have been added or cancelled via the present Amendment. Therefore, claims 1-13 and 15-19 remain pending.

Reconsideration of this application, in view of the foregoing amendments and the following remarks, is respectfully requested.

Response to Examiner's Interpretation of "power consumption"

Applicant would like to place on record for appeal Applicant's traversement of the Examiner's interpretation of "power consumption." Examiner has interpreted as referring to the receiving end's consumption of battery power. This interpretation breaks down when one of the stations is fixed wireless--not powered by battery.

Applicant respectfully refers Examiner to page 19 of the present application, starting at line 21 is a key objective, *inter alia*, of the embodiment of the invention:

Secondly, it is optimal to first transmit to the station with the lowest total power consumption for receiving all its data (the scheduled amount of data in the current beacon interval TBTT), since a key objective of the invention is achieving the least total power consumption for reception.

Therefore, newer desktop with a fast microprocessor which may use more watts per a unit time but because it works faster and can receive in less time may have less power consumption than an older laptop.

Claim Rejections under 35 USC §103

Claim 1, and 8, are rejected under 35 U.S.C. §103(a) as being unpatentable over Agrawal et al. (US 6072784) in view of Benveniste (U.S. Patent Publication No. 2004/0264397 A1). Claims 2, 3, 4, 5, 6, 7, 9 and 10 are rejected as being unpatentable over Agrawal and other art. Applicants respectfully traverse these rejections.

There are three basic criteria to establish a *prima facie* case of obviousness under 35 U.S.C. §103(a). First, there must be some suggestion or motivation in the cited references to modify or combine their teachings; second, there must be reasonable expectation of success; and third, the prior art references must teach or suggest all the claim limitations. *See* M.P.E.P §2142. As to claim 1, the combination of cited references does not teach or suggest all the claim limitations.

In rejecting claim 1, the Examiner cites Col. 3 lines 20-22 of Agrawal as teaching "an algorithm for calculating a receiving power consumption of the data transmission" writing "(receiving power consumption signal from mobiles indication low battery power)". Applicants respectfully point to the Examiner that the Examiner's assumption is not correct. Claim 1 clearly recites transmission order based on receiving power consumption, which is completely different than power level of a receiver. A receiver may have a low power level and consume high power in receiving a packet and vice versa a receiver may have high power level and may consume less power in receiving the same packet. The power level of a receiving battery is different than the amount of power that may be consumed in receiving a particular packet.

Examiner is also reading into the claim the limitation of mobile, claim 1 has no such limitation and can apply to fixed wireless stations. Accordingly, the assumption that a battery power level is same as the power consumption for receiving a packet is not correct. However, in order to more particularly point out and distinctly claim the subject matter which the applicant regards as his invention, Applicant has added clarification to the claim by adding "such that the total power consumption of the network is minimized". Applicant submits that claim 1 is in condition for allowance.

Claims 2-9 depend upon claim 1 and claim 10 depends upon claim 9. Thus, claims 1-10 are all in condition for allowance.

The Examiner has rejected claims 11, 12, 13, 17 under 35 U.S.C. §103(a) as being unpatentable over Lundby et al. (U.S. Patent No. 6,973,098) in view of Van Bokhorst et al. (U.S. Patent No. 6,192,230). Applicant respectfully traverse these rejections.

In rejecting claim 11, the Examiner has stated that Lundby et al. discloses "calculating receiving power consumption of data to be transmitted to respective stations" and cites Col 5,

lines 58-67 in Lundy. Lundy teaches signal strength which representative of Applicant whose primary language is English would like to respectfully point out to Examiner is not the same as power consumption.

Examiner also opines that Lundy teaches "determining a priority queue ordering (establish transmission schedule) of the transmissions based on the receiving power consumption calculated for each station (the mobile stations are scheduled for transmission with respect to received signal strength" citing)." The Examiner cites Col 5, lines 10-17, 54-59.

Again Examiner is not distinguishing between power consumption and signal strength. In any event, to more particularly pointing out and distinctly claim the subject matter which the applicant regards as his invention, Applicant has added the clarification "such that the total power consumption of the network is minimized" to claim 11. Applicant submits that claim 1 is in condition for allowance.

Claims 12, 13, and 15-19 are dependent, directly or indirectly, upon claim 11. Thus, claims 12, 13, and 15-19 are also in condition for allowance.

Applicant believes this application and the claims herein to be in a condition for allowance. Should the Examiner have further inquiry concerning these matters, please contact the below named attorney for Applicant.

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